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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CLARENCE WESLEY HURT, III,)	
)	Civil No. 09-1154-PA
Petitioner,)	
)	
v.)	
)	ORDER
WARDEN THOMAS,)	
)	
Respondent.)	
_____)	

PANNER, District Judge.

Petitioner has complied with the court's October 5, 2009 Order requiring him to comply with the filing fee requirement for this 28 U.S.C. § 2241 habeas case. Accordingly, the court will issue a scheduling order immediately.

Petitioner has also filed a Motion for Temporary Restraining Order (#3) which asks the court to order his immediate release from federal custody and transfer to the Multnomah County Jail. Petitioner is actually seeking a form of preliminary injunction because temporary restraining orders are generally allowed for no

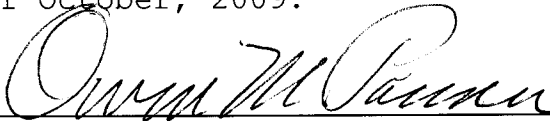
more than 10 days. Fed. R. Civ. P. 65(b)(2). Pursuant to Fed. R. Civ. 65(a), "[n]o preliminary injunction shall be issued without notice to the adverse party." Petitioner's Motion for Preliminary Injunction includes neither a certificate of service, nor a showing of why notice should not be required in this case. Accordingly, the Motion is denied.

CONCLUSION

Petitioner's Motion for Temporary Restraining Order (#3), which the court construes as a Motion for Preliminary Injunction, is DENIED.

IT IS SO ORDERED.

DATED this 25 day of October, 2009.



Owen M. Panner
United States District Judge